

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 48-57 are pending in this application. Claims 1-47 are canceled by the present response without prejudice. The drawings were objected to under 37. C.F.R. § 1.83(a). Claims 1, 10, 11, and 16 were objected to for informalities. Claims 1-8, 11, and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,301,155 to Fujiwara in view of U.S. patent 6,326,268 to Park et al. (herein "Park"). Claims 9, 10, 15, 16, and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fujiwara and Park as applied to claim 5, and further in view of U.S. patent 6,569,742 to Taniguchi et al. (herein "Taniguchi"). Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fujiwara and Park as applied to claim 11, and further in view of U.S. patent 6,531,350 to Sato et al. (herein "Sato").

Addressing first the objection to the drawings, that objection is obviated by the present response.

The drawings were objected to as not showing the claimed feature of the "upper surfaces of the first shallow trench isolation regions" being formed into "convex" shapes. In response to that rejection it is noted that none of the currently pending claims 48-57 recite the "convex shapes", and thus the outstanding objection the drawings is believed to be obviated by the present response.

Addressing now the objection to claims 1, 10, 11, and 16, that objection is obviated by the present response as those claims are canceled by the present response. Further, new claims 48-57 are written to avoid the language objected to in claims 1, 10, 11, and 16.

Addressing now the rejection of claims 1-8, 11, and 17 under 35 U.S.C. § 103(a) as unpatentable over Fujiwara in view of Park, the rejection of claims 9, 10, 15, 16, and 18 under 35 U.S.C. § 103(a) as unpatentable over Fujiwara and Park and further in view of

Taniguchi, and the rejection of claim 14 under 35 U.S.C. § 103(a) is unpatentable over Fujiwara and Park and further in view of Satoh, each of those rejections is traversed by the present response.

Applicants note that each of the above-noted claims is canceled by the present response and new claims 48-57 are presented for examination. New claims 48-57 are deemed to self-evident from the original disclosure, and thus are not deemed to raise any issues of new matter. New claims 48-57 are also all directed to the elected invention of a “semiconductor device”.

New independent claims 48 and 54 positively recite “the [first] gate insulating film comprising multiple layer films including a charge storage layer”, and further recite “the [first and second] shallow trench isolation regions having [first and second] concave portions on upper ends thereof”. Such features are believed to clearly distinguish over the applied art.

With reference to Figure 1 in the present specification as a non-limiting example, the first gate insulating film includes multiple layer films including a charge storage layer 11. Further, shallow trench isolation regions 13 have concave portions at upper ends thereof. The features as recited in new independent claims 40 and 54 are believed to clearly distinguish over the applied art.

More specifically, none of Fujiwara, Park, Taguchi, and Satoh teach or suggest any “concave portions” on upper ends of trench isolation regions.

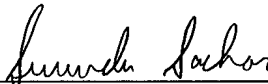
In such ways, no combination of teachings in the cited art to Fujiwara, Park, Taguchi, and Satoh can meet the limitations now recited in new independent claims 48 and 54, and the claims dependent therefrom.

Thus, each of currently pending claims 48-57 is believed to be allowable.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
EHK/SNS/jrs/

Surinder Sachar
Registration No. 34,423

I:\ATTY\SNS\21's\218447\218447US-AM DUE 051904.DOC